



W.A.(MD)No.1872 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.03.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.A.(MD)No.1872 of 2023
and
C.M.P.(MD)No.14288 of 2023

The Sub Collector,
Kodaikanal,
Dindigul District,
Now The Revenue Divisional Officer,
Kodaikanal, Dindigul District.

...Appellant

-Vs-

Rajesh

...Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act to set aside the order dated 27.07.2022 in W.P.(MD)No.18306 of 2020.

For Petitioner : Mr.M.Sarangan,
Additional Government Pleader
For Respondent : Mr.S.Deenadhayan

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

This writ appeal is filed challenging the order of this Court dated 27.07.2022 in W.P.(MD)No.18306 of 2020.



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WEB COPY 2.The subject property was assigned to one Karuppan. The said Karuppan sold the same in favour of one Saleth, after the ten years of assignment. Thereafter, the said Saleth had divided the property into plots and sold the property to the writ petitioner and to one other person. While this being so, the appellant herein had cancelled the order of assignment on the ground of violation of assignment conditions. Challenging the same, the writ petitioner as well as another purchaser have filed writ petitions. The writ petition filed by the writ petitioner came to be allowed by setting aside the order of cancellation of assignment, whereas the other writ petition filed by the other purchaser was dismissed directing the writ petitioner therein to file an appeal before the District Collector.

3.It is the specific contention of the appellant herein that as per the assignment condition prior permission has not been obtained from the authorities concerned before selling assigned property. Whereas the respondent submits that the property was sold by the original assignee only after ten years of assignment. The prohibited period for sale is only ten years.



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4.The learned counsel appearing on either side submit that they would be satisfied if the grounds raised by both parties are directed to be considered by the appellate authority.

5.Therefore, we direct the respondent herein to approach the appellate authority by way of filing appropriate application. The appellate authority shall consider the same and pass necessary orders after affording an opportunity of hearing to the respondent as well as any other interested parties as well as the appellant herein within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is also made clear that till the application of the respondent is decided, the possession of the respondent shall not be disturbed.

6.With the above direction, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (S.S.Y.,J.)
24.03.2025

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